



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2292

Introduced 1/12/2006, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.663 new

735 ILCS 5/8-911

735 ILCS 5/8-912 new

225 ILCS 442/Act rep.

from Ch. 110, par. 8-911

Creates the Interpreter for the Deaf Licensure Act of 2006 to replace the Interpreters for the Deaf Act. Provides for the regulation of interpreters for the deaf through licensure by the Deaf and Hard of Hearing Commission. Establishes the Board of Interpreters and provides for evaluation teams. Preempts home rule. Amends the State Finance Act to create the Interpreters for the Deaf Fund. Amends the Code of Civil Procedure to add a provision concerning privileged communications involving interpreters for the hearing impaired. Repeals the Interpreters for the Deaf Act.

LRB094 18416 RAS 53727 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Interpreter for the Deaf Licensure Act of 2006.

6 Section 5. Purpose. The practice of interpreting for the
7 deaf in the State of Illinois is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. It is further declared to be
10 a matter of public interest and concern that the practice of
11 interpreting for the deaf merit and receive the confidence of
12 the public.

13 The purpose of this Act is to protect and benefit the deaf
14 and hard of hearing consumers by setting standards of
15 qualifications, education, training, and experience for those
16 who represent themselves as interpreters for the deaf and hard
17 of hearing, to promote high standards of professional
18 performance for those licensed as interpreters for the deaf,
19 and to protect the deaf and hard of hearing consumers from
20 unprofessional conduct by persons licensed to practice.

21 Section 10. Definitions. In this Act:

22 "Accepted certificate" means a certificate required for
23 licensure that is issued by the Commission, National
24 Association for the Deaf, Registry of Interpreters for the
25 Deaf, Testing Evaluation and Certification Unit Inc.
26 (TECUnit), or any other certifying entities authorized by rule.

27 "American Sign Language (ASL)" means a visual-gestural
28 language that is recognized and accepted as linguistically
29 independent from English language and has its own syntax,
30 rhetoric, and grammar that is recognized, accepted, and used by
31 many deaf Americans.

1 "Board" means the Board of Interpreters for the Deaf as
2 established within the Illinois Deaf and Hard of Hearing
3 Commission.

4 "Commission" means the Illinois Deaf and Hard of Hearing
5 Commission.

6 "Consumer" means any individual with or without a hearing
7 loss who is the recipient of interpreter services.

8 "Coordinator" means a staff person hired by the Director of
9 the Illinois Deaf and Hard of Hearing Commission, who serves as
10 a liaison between the Commission and the Illinois Board of
11 Interpreters for the Deaf.

12 "Cued speech" means a phonetically based hand supplement to
13 speech reading that is independent of all sign language
14 modalities. It is a system of hand shapes that represents
15 groups of consonant sounds, combined with hand placements that
16 represent groups of vowel sounds, used with natural speech to
17 represent a visual model of spoken language.

18 "Deaf" means any person who, because of the severity of a
19 hearing loss, is not able to discriminate speech when spoken in
20 a normal conversational tone regardless of the use of
21 amplification devices and whose primary means of receiving
22 spoken communication is through visual input, including but not
23 limited to, American Sign Language, speech reading, sign
24 systems, tactile sign, fingerspelling, reading, or writing.

25 "Director" means the Director of the Illinois Deaf and Hard
26 of Hearing Commission.

27 "Educational interpreter" means any person, including
28 those with a hearing loss, who provides deaf or hard of hearing
29 interpreting services in all educational environments
30 maintaining grades kindergarten through 12 under the
31 regulatory authority of the State Board of Education.

32 "Hard of hearing" means any person who, because of a
33 hearing loss, finds hearing difficult, but does not preclude
34 the understanding of spoken communication through the ear
35 alone, regardless of the use of amplification devices or
36 assistive devices, and whose primary means of receiving spoken

1 communication is through visual or auditory input, including,
2 but not limited to, assistive devices, speech reading, sign
3 language, fingerspelling, reading, or writing.

4 "Hearing" means any person who does not have a hearing
5 loss.

6 "Interpreter for the deaf" means any person who offers to
7 render deaf or hard of hearing interpreting services implying
8 that he or she is trained and experienced in interpreting for
9 the deaf and holds a license to practice interpreting for the
10 deaf in this State.

11 "Interpreting" means the interpreting or transliterating
12 of English language concepts to any communication modes of the
13 deaf or hard of hearing consumer or the interpreting or
14 transliterating of the communication modes of the deaf and hard
15 of hearing consumers to English language concepts.
16 Communication modes include, but are not limited to, American
17 Sign Language, cued speech, oral, tactile sign, and persons
18 with language deficient skills.

19 "Language deficient" means modes of communication used by
20 deaf individuals who lack crucial language components,
21 including, but not limited to, vocabulary, language concepts,
22 expressive skills, language skills, and receptive skills.

23 "License" or "licensure" means the authorization to
24 practice interpreting by the Commission under the provisions of
25 this Act.

26 "Oral" means the mode of communication having
27 characteristics of speech, speech reading, and residual
28 hearing as a primary means of communication using situational
29 and culturally appropriate gestures, without the use of sign
30 language.

31 "Practice of interpreting" means rendering or offering to
32 render or supervise those who render to individuals, couples,
33 groups, organizations, institutions, corporations, schools,
34 government agencies, or the general public any interpreting
35 service involving the interpreting of any mode of communication
36 used by a deaf or hard of hearing consumer to English language

1 concepts or of an English language consumer to a mode of
2 communication used by a deaf or hard of hearing consumer.

3 "Tactile sign" means mode of communication, used by deaf
4 and blind individuals, using any one or a combination of
5 tactile sign or constricted space signing.

6 "Transliterating" means the process of conveying a message
7 from either spoken language into a manually-coded language or
8 from a manually coded language into a spoken language.

9 Section 15. Licensure requirement.

10 (a) On or after the date of January 1, 2008, no person
11 shall practice as an interpreter for the deaf or hold herself
12 or himself out as being an interpreter for the deaf or render
13 deaf or hard of hearing interpreting services in this State
14 unless he or she is licensed in accordance with the provisions
15 of this Act.

16 (b) The provisions of the Act shall not be construed to
17 invalidate the requirement that interpreters continue to
18 register pursuant to the Interpreters for the Deaf Act prior to
19 the effective date of this Act.

20 (c) Beginning January 1, 2008, the Commission shall cease
21 to register interpreters pursuant to the Interpreters for the
22 Deaf Act. After that date, applicants shall apply for a license
23 to practice as an interpreter for the deaf and shall meet the
24 requirements set forth in this Act.

25 Section 20. Unlicensed practice; violation; administrative
26 fine.

27 (a) Any person who practices, offers to practice, attempts
28 to practice, or holds himself or herself out to practice as an
29 interpreter for the deaf without being licensed or exempt under
30 this Act shall, in addition to any other penalty provided by
31 law, pay an administrative fine to the Commission in an amount
32 not to exceed \$2,500 for each offense as determined by the
33 Commission. The administrative fine shall be assessed by the
34 Commission after a hearing is held in accordance with the

1 provisions set forth in this Act regarding the provision of a
2 hearing for the discipline of a licensee and shall be deposited
3 in the Interpreters for the Deaf Fund.

4 (b) The Commission has the authority and power to
5 investigate any and all actual, alleged, or suspected
6 unlicensed activity.

7 (c) The administrative fine shall be paid within 60 days
8 after the effective date of the order imposing the
9 administrative fine. The order shall constitute a judgment and
10 may be filed and executed in the same manner as any judgment
11 from any court of record.

12 Section 25. Exemptions. This Act does not apply to any of
13 the following:

- 14 (1) Persons interpreting in religious activities;
- 15 (2) Persons rendering interpreting services in cases
16 of emergency, as provided in the Good Samaritan Act;
- 17 (3) Persons interpreting in unique situations, as
18 defined by rule;
- 19 (4) Persons currently enrolled in a course of study
20 leading to a certificate or degree in interpreting,
21 provided that such persons engage only in activities and
22 services that constitute a part of a supervised course of
23 study and clearly designate themselves as student,
24 trainee, or intern; or
- 25 (5) persons working as an educational interpreter in
26 compliance with the rules established by the State Board of
27 Education.

28 Section 30. Application for licensure.

29 (a) An application for licensure as an interpreter for the
30 deaf shall be made to the Commission on forms prescribed by the
31 Commission and accompanied by the appropriate documentation
32 and the required non-refundable fee. All applications shall
33 contain information that, in the judgment of the Commission,
34 shall enable the Commission to pass on an applicant's

1 qualifications.

2 (b) Applicants have 3 years from the date of application to
3 complete the application process. If the process has not been
4 completed in the 3-year period, the application shall be denied
5 and the fee forfeited and the applicant must reapply and meet
6 the requirements in effect at the time of application.

7 (c) A license shall not be denied to an applicant because
8 of the applicant's race, religion, creed, national origin,
9 political beliefs or activities, age, sex, sexual orientation,
10 or physical impairment.

11 Section 35. Examination and evaluation.

12 (a) The Commission, by rule, may require a written
13 examination and performance evaluation of applicants for
14 licensure as interpreters for the deaf at such times and places
15 as it may determine. The written examination shall test
16 knowledge of interpreting and the performance evaluation shall
17 test the competence and skills of interpreting and
18 transliterating.

19 (b) Applicants for examination or evaluation shall pay to
20 the Commission a fee covering the cost of providing the
21 examination or evaluation. Failure to appear for the
22 examination or evaluation on the scheduled date at the time and
23 place specified shall result in the forfeiture of the
24 examination or evaluation fee.

25 Section 40. Social security number. In addition to any
26 other information required to be contained in the application,
27 every application for an original, renewal, or restored license
28 under this Act shall include the applicant's Social Security
29 Number.

30 Section 45. Qualifications for licensure.

31 (a) A person shall be qualified to be licensed as an
32 interpreter for the deaf and the Commission shall issue a
33 license to an applicant who:

1 (1) has applied in writing on the prescribed forms and
2 paid the required fees;

3 (2) is of good moral character; in determining good
4 moral character, the Commission may take into
5 consideration whether the applicant has engaged in conduct
6 or activities that would constitute grounds for discipline
7 under Section 120 of this Act;

8 (3) is an accepted certificate holder;

9 (4) has high school diploma or equivalent;

10 (5) has met the examination and evaluation
11 requirements established by the Commission; and

12 (6) has met any other requirements established by the
13 Commission by rule.

14 (b) On or after December 31, 2011, an applicant must have
15 obtained a degree from a recognized institution of higher
16 education, as defined by the Commission by rule.

17 Section 50. Powers and duties of the Commission.

18 (a) The Commission shall exercise the powers and duties
19 prescribed by the Civil Administrative Code of Illinois for the
20 administration of licensing acts.

21 (b) The Commission shall adopt rules consistent with the
22 provisions and purposes of this Act for the administration and
23 enforcement thereof, and for the payment of fees connected
24 therewith, and may prescribe forms, which shall be issued in
25 connection therewith.

26 (c) The Commission may seek the advice and the expert
27 knowledge of the Board on any matter relating to the
28 administration of this Act.

29 (d) The Commission shall conduct hearings on proceedings to
30 refuse to issue or renew or to revoke a license or to suspend,
31 place on probation, censure, or reprimand a person licensed
32 under this Act.

33 (e) The Commission may develop, contract, purchase, or
34 authorize examination and evaluation materials necessary to
35 license interpreters for the deaf that are cost effective and

1 accessible.

2 Section 55. Interpreter Coordinator. The Director may
3 employ, pursuant to the Personnel Code, an Interpreter
4 Coordinator and any other necessary staff. The Interpreter
5 Coordinator shall be a professional interpreter for the deaf
6 licensed in this State. The Interpreter Coordinator hired
7 initially must hold an accepted certification and must qualify
8 for and obtain licensure within 6 months after the effective
9 date of this Act. All Interpreter Coordinators hired thereafter
10 must be licensed at the time of hire. The Interpreter
11 Coordinator shall perform such administrative functions as may
12 be delegated by the Director.

13 Section 60. Illinois Board of Interpreters.

14 (a) The Director shall appoint an Illinois Board of
15 Interpreters for the Deaf consisting of 7 voting members who
16 shall serve in an advisory capacity to the Director. The Board
17 shall be composed of 3 licensed interpreters for the deaf, 2
18 licensed interpreters for the deaf or otherwise qualified
19 individuals working within the interpreting profession, 2 deaf
20 or hard of hearing consumers, and the Commission Coordinator
21 who shall serve as a non-voting member.

22 (b) The Board shall meet no less than 2 times per year and
23 may hold additional meetings as required in the performance of
24 its duties.

25 (c) The members shall be appointed to serve 4-year terms
26 and shall serve until successors are appointed and qualified,
27 except that initial appointments shall be staggered with one
28 member appointed to serve for one year, 2 members appointed to
29 serve for 2 years, 2 members appointed to serve for 3 years,
30 and 2 members appointed to serve for 4 years. No member shall
31 be eligible to serve more than 2 consecutive terms. A vacancy
32 in the Board shall be filled by appointment by the Director for
33 the remainder of the unexpired term. Those members appointed
34 initially must qualify for and obtain licensure under this Act

1 within 6 months after the effective date of this Act.

2 (d) The membership of the Board must reasonably reflect
3 representation from different geographic areas of the State.

4 (e) The membership of the Board shall reflect the
5 differences in certification, experience, education, and
6 background and knowledge of interpreting for the deaf and
7 evaluation.

8 (f) The Director may terminate the appointment of any
9 member for misconduct, inefficiency, incompetence, or neglect
10 of his or her official duties.

11 (g) The Director shall consider the recommendation of the
12 Board on all matters and questions relating to this Act.

13 (h) The Board shall annually elect from its membership a
14 chairperson, vice chairperson, and a secretary.

15 (i) Members of the Board shall be reimbursed for all
16 authorized legitimate and necessary expenses incurred in
17 attending the meetings of the Board.

18 (j) A majority of the Board members currently appointed
19 shall constitute a quorum. A vacancy in the membership of the
20 Board shall not impair the right of a quorum to perform all of
21 the duties of the Board.

22 (k) Members shall be immune from suit in any action based
23 upon any disciplinary proceedings or other acts performed in
24 good faith as members of the Illinois Board of Interpreters for
25 the Deaf.

26 Section 65. Evaluation teams.

27 (a) The Commission may establish evaluation teams to
28 evaluate interpreters for the deaf.

29 (b) The members shall be appointed by the Commission and
30 serve at the pleasure of the Commission as follows:

31 (1) Each team shall be composed of 3 evaluators and be
32 comprised of a combination of both deaf and hearing
33 persons.

34 (2) The members of the evaluation team must work in the
35 interpreting profession or be knowledgeable of

1 interpreting and various modes of communication and be
2 trained as evaluators.

3 (c) The members of the evaluation team must be eligible to
4 receive compensation at the prevailing rate as established by
5 rule and shall be reimbursed for actual and necessary expenses
6 incurred in the performance of their official duties. A per
7 diem allotment will be granted for those members on travel
8 status while performing their official duties.

9 (d) The evaluation team shall use testing materials
10 determined by the Commission to assess the qualifications of
11 interpreters for the deaf.

12 Section 70. Privileged communications. Interpreters for
13 the deaf licensed under this Act shall be subject to the
14 provisions concerning privileged communications between
15 interpreters for the deaf and hard of hearing and consumers set
16 forth in Section 8-912 of the Code of Civil Procedure.

17 Section 75. Provisional licensure. The Commission may, at
18 its discretion, issue a provisional license to an applicant who
19 has not met all of the requirements for full licensure under
20 this Act, but has met the requirements for provisional
21 licensure as established by the Commission.

22 Provisional licenses must be renewed as set by rule and
23 shall not be renewed for a period exceeding 2 years. If, at the
24 end of 2 years, a provisional licensee still does not meet the
25 requirements for full licensure under this Act, he or she shall
26 be unable to practice interpreting under this Act until granted
27 a license by the Commission.

28 Section 80. Expiration, renewal, and restoration of
29 license.

30 (a) The expiration date and renewal period for each license
31 issued under this Act shall be determined by the Commission and
32 set by rule. Every holder of a license under this Act may renew
33 his or her license during the 60-day period preceding the

1 expiration date thereof upon payment of the required renewal
2 fees.

3 (b) An interpreter for the deaf who has permitted his or
4 her license to expire or who has had his or her license placed
5 on inactive status may have his or her license restored by
6 making application to the Commission and filing proof
7 acceptable to the Commission, as defined by the Commission by
8 rule, of his or her fitness to have the license restored,
9 including evidence attesting to active practice in another
10 jurisdiction satisfactory to the Commission and by paying the
11 required restoration fee.

12 (c) If an interpreter for the deaf has not maintained an
13 active practice in another jurisdiction satisfactory to the
14 Commission, the Commission shall determine his or her fitness
15 to resume active status and may require satisfactory evaluation
16 of skills.

17 (d) Any interpreter for the deaf whose license expires
18 while he or she is (i) in federal service on active duty with
19 the Armed Forces of the United States, or the State Militia
20 called into service or training, or (ii) in training or
21 education under the supervision of the United States
22 preliminary to induction into the military service, may have
23 his or her license renewed or restored without paying any
24 lapsed renewal fees if, within 2 years after honorable
25 termination of such service, training, or education, he or she
26 furnishes the Commission with satisfactory evidence to the
27 effect that he or she has been so engaged and that his or her
28 service, training, or education has been so terminated.

29 (e) Any licensee who practices interpreting while his or
30 her license is expired shall be considered to be practicing
31 without a license, which constitutes grounds for discipline
32 under this Act.

33 Section 85. Inactive status. Any interpreter for the deaf
34 who notifies the Commission, on forms prescribed by the
35 Commission, may place his or her license on inactive status and

1 shall be exempt from payment of renewal fees until he or she
2 notifies the Commission, in writing, of the intention to
3 restore his or her license, pays the current renewal fee, and
4 demonstrates compliance with any requisite continuing
5 education. Any interpreter for the deaf requesting restoration
6 from inactive status must pay the current renewal fee and
7 restore his or her license as provided in Section 105 of this
8 Act.

9 Any interpreter for the deaf whose license is placed on
10 inactive status shall not practice in this State. Any licensee
11 who practices interpreting while his or her license is placed
12 on inactive status shall be considered to be practicing without
13 a license, which constitutes grounds for discipline under this
14 Act.

15 Section 90. Continuing education. The Commission may adopt
16 rules of continuing education for persons licensed under this
17 Act. These rules shall be consistent with the requirements of
18 relevant professional associations and training programs and
19 address variances for illness or hardship. In establishing
20 these rules, the Commission may consider continuing education
21 requirements as a condition of membership in organizations in
22 order to assure that licensees are given the opportunity to
23 participate in those programs sponsored by or through the
24 professional associations or interpreter training programs
25 that are relevant to their practice.

26 The Commission shall establish by rule a means for
27 verifying the completion of the continuing education required
28 by this Section. This verification may be accomplished through
29 audits of records maintained by licensees, the filing of
30 continuing education certificates with the Commission, or any
31 other means established by the Commission.

32 Section 95. Roster. The Commission shall maintain a list of
33 licensed interpreters for the deaf authorized to practice in
34 the State. The list shall show the name of every licensee, type

1 of certification, county, areas of specialty, and a form of
2 contact. This list shall be available for public distribution
3 upon request and payment of the required fee.

4 The Commission shall maintain rosters of the names of all
5 persons whose licenses have been suspended, revoked, or denied
6 renewal for cause within the previous calendar year. This list
7 shall be available for public distribution upon request and
8 payment of the required fee.

9 Section 100. Fees. The Commission may charge fees for the
10 administration and enforcement of this Act, including, but not
11 limited to, application, administration of an examination or
12 evaluation, licensure renewal and restoration, and provision
13 of duplicate licenses. The fees shall be in an amount
14 sufficient to cover the cost of the licensure program and shall
15 be set by rule.

16 Section 105. Checks or order dishonored. Any person who
17 delivers a check or other payment to the Commission that is
18 returned to the Commission unpaid by the financial institution
19 upon which it is drawn shall pay to the Commission, in addition
20 to the amount already owed to the Commission, a fine of \$50. If
21 the check or other payment was for a renewal or issuance fee
22 and that person practices without paying the renewal fee or
23 issuance fee and the fine due, an additional fine of \$100 shall
24 be imposed. The fines imposed by this Section are in addition
25 to any other discipline provided under this Act for unlicensed
26 practice or practice on a nonrenewed license. The Commission
27 shall notify the person that payment of fees and fines shall be
28 paid to the Commission by certified check or money order within
29 30 calendar days after the notification. If, after the
30 expiration of 30 days from the date of the notification, the
31 person has failed to submit the necessary remittance, the
32 Commission shall automatically terminate the license or deny
33 the application, without hearing. If, after termination or
34 denial, the person seeks a license, he or she shall apply to

1 the Commission for restoration or issuance of the license and
2 pay all fees and fines due to the Commission. The Commission
3 may establish a fee for the processing of an application for
4 restoration of a license to pay all expenses of processing the
5 application. The Director may waive the fines due under this
6 Section in individual cases where the Director finds that the
7 fines would be unreasonable or unnecessarily burdensome.

8 Section 110. Interpreters for the Deaf Fund. The moneys
9 received as fees and fines by the Commission under this Act
10 shall be deposited in the Interpreters for the Deaf Fund, which
11 is hereby created as a special fund in the State Treasury, and
12 shall be used only for the administration and enforcement of
13 this Act, including (i) for costs directly related to the
14 regulating of persons under this Act, (ii) by the Board and
15 Commission in the exercise of its powers and performance of its
16 duties, and (iii) for direct and allocable indirect cost
17 related to the public purposes of the Commission. All moneys
18 deposited in the Fund shall be appropriated to the Commission
19 for expenses of the Commission and the Board in the
20 administration and enforcement of this Act. Moneys in the Fund
21 may be invested and reinvested, with all earnings deposited in
22 the Fund and used for the purposes set forth in this Act. The
23 Fund shall comply with the Illinois State Auditing Act.

24 Section 115. Advertisement. Any person licensed under this
25 Act may advertise the availability of professional services in
26 the public media or on the premises where such professional
27 services are rendered, as permitted by law, if the advertising
28 is truthful and not misleading or deceptive. The Commission may
29 adopt rules consistent with this Section.

30 Section 120. Grounds for disciplinary action.

31 (a) The Commission may refuse to issue, refuse to renew,
32 suspend, or revoke any license, or may place on probation,
33 censure, reprimand, or take other disciplinary action deemed

1 appropriate by the Commission, including the imposition of
2 administrative fines not to exceed \$2,500 for each violation,
3 with regard to any license issued under the provisions of this
4 Act for any one or more of the following reasons:

5 (1) Material deception in furnishing information to
6 the Commission.

7 (2) Violations or negligent or intentional disregard
8 of any provision of this Act or its rules.

9 (3) Conviction of any crime under the laws of any
10 jurisdiction of the United States that is a felony or a
11 misdemeanor, an essential element of which is dishonesty,
12 or of any crime that is directly related to the practice of
13 the profession.

14 (4) A pattern of practice or other behavior that
15 demonstrates incapacity or incompetence to practice under
16 this Act.

17 (5) Knowingly aiding or assisting another person in
18 violating any provision of this Act or rules adopted
19 thereunder.

20 (6) Failing, within 60 days, to provide a response to a
21 request for information in response to a written request
22 made by the Commission by certified mail.

23 (7) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (8) Unlawful sale or distribution of any drug,
27 narcotic, or prescription device, or unlawful conversion
28 of any drug, narcotic, or prescription device.

29 (9) Being under the influence or habitual use of or
30 addiction to alcohol, narcotics, stimulants, or any other
31 chemical agent or drug, which results in a licensee's
32 inability to practice with reasonable judgment, skill, or
33 safety.

34 (10) Discipline by another jurisdiction or foreign
35 nation, if at least one of the grounds for the discipline
36 is the same or substantially equivalent to those set forth

1 in this Section.

2 (11) A finding that the licensee, after having his or
3 her license placed on probationary status, has violated the
4 terms of probation.

5 (12) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 and under the Abused and Neglected Child Reporting Act, and
8 upon proof by clear and convincing evidence that the
9 licensee has caused a child to be an abused child or
10 neglected child as defined in the Abused and Neglected
11 Child Reporting Act.

12 (13) Gross negligence in the practice of interpreting.

13 (14) Holding oneself out to be a practicing interpreter
14 for the deaf under any name other than one's own.

15 (15) Fraud, deceit, or misrepresentation in applying
16 for or procuring a license under this Act or in connection
17 with applying for renewal of a license under this Act.

18 (16) Allowing another person or organization to use the
19 licensees' license to deceive the public.

20 (17) Attempting to subvert or cheat on an
21 interpreter-related examination or evaluation.

22 (18) Immoral conduct in the commission of an act, such
23 as sexual abuse, sexual misconduct, or sexual
24 exploitation, related to the licensee's practice.

25 (19) Willfully or negligently violating the
26 confidentiality between an interpreter and client, except
27 as required by law.

28 (20) Practicing or attempting to practice interpreting
29 under a name other than the full name listed on the
30 license.

31 (21) The use of any false, fraudulent, or deceptive
32 statement in any document connected with the licensee's
33 practice.

34 (22) Failure of a licensee to report to the Commission
35 any adverse final action taken against him or her by
36 another licensing jurisdiction, any peer review body, any

1 professional deaf or hard of hearing interpreting
2 association, any governmental Commission, by law
3 enforcement Commission, or any court for a deaf or hard of
4 hearing interpreting liability claim related to acts or
5 conduct similar to acts or conduct that would constitute
6 grounds for action as provided in this Section.

7 (23) Failure of a licensee to report to the Commission
8 surrender by the licensee of his or her license or
9 authorization to practice interpreting in another state or
10 jurisdiction or current surrender by the licensee of
11 membership in any deaf or hard of hearing interpreting
12 association or society while under disciplinary
13 investigation by any of those authorities or bodies for
14 acts or conduct similar to acts or conduct that would
15 constitute grounds for action as provided by this Section.

16 (24) Physical illness or injury including, but not
17 limited to, deterioration through the aging process or loss
18 of motor skill, mental illness, or disability that results
19 in the inability to practice the profession with reasonable
20 judgment, skill, or safety.

21 (b) The determination by a circuit court that a licensee is
22 subject to involuntary admission or judicial admission as
23 provided in the Mental Health and Developmental Disabilities
24 Code, as amended, operates as an automatic suspension. The
25 suspension will end only (i) upon a finding by a court that the
26 patient is no longer subject to involuntary admission or
27 judicial admission and issues an order so finding and
28 discharging the patient and (ii) upon the recommendation of the
29 Board to the Director that the licensee be allowed to resume
30 his or her practice.

31 (c) The Commission may refuse to issue or may suspend the
32 license of any person who fails to file a return, to pay the
33 tax, penalty, or interest shown in a filed return, or to pay
34 any final assessment of the tax, penalty, or interest as
35 required by any tax Act administered by the Illinois Department
36 of Revenue, until such time as the requirements of any such tax

1 Act are satisfied.

2 (d) In enforcing this Section, the Commission, upon a
3 showing of a possible violation, may compel an individual
4 licensed under this Act, or who has applied for licensure under
5 this Act, to submit to a mental or physical examination, or
6 both, as required by and at the expense of the Commission. The
7 Commission may order the examining physician to present
8 testimony concerning the mental or physical examination of the
9 licensee or applicant. No information shall be excluded by
10 reason of any common law or statutory privilege relating to
11 communications between the licensee or applicant and the
12 examining physician. The Commission shall specifically
13 designate the examining physicians. The individual to be
14 examined may have, at his or her own expense, another physician
15 of his or her choice present during all aspects of this
16 examination. Failure of an individual to submit to a mental or
17 physical examination, when directed, shall be grounds for
18 suspension of his or her license until the individual submits
19 to the examination if the Commission finds, after notice and
20 hearing, that the refusal to submit to the examination was
21 without reasonable cause.

22 If the Commission finds an individual unable to practice
23 because of the reasons set forth in this subsection (d), the
24 Commission may require that individual to submit to care,
25 counseling, or treatment by physicians approved or designated
26 by the Commission as a condition, term, or restriction for
27 continued, reinstated, or renewed licensure to practice or, in
28 lieu of care, counseling, or treatment, the Commission may file
29 a complaint to immediately suspend, revoke, or otherwise
30 discipline the license of the individual. An individual whose
31 license was granted, continued, reinstated, renewed,
32 disciplined, or supervised subject to such terms, conditions,
33 or restrictions and who fails to comply with such terms,
34 conditions, or restrictions, shall be referred to the Director
35 for a determination as to whether the individual shall have his
36 or her license suspended immediately, pending a hearing by the

1 Commission.

2 In instances in which the Director immediately suspends a
3 person's license under this subsection (d), a hearing on that
4 person's license must be convened by the Commission within 15
5 days after the suspension and completed without appreciable
6 delay. The Commission shall have the authority to review the
7 subject individual's record of treatment and counseling
8 regarding the impairment to the extent permitted by applicable
9 State and federal statutes and regulations safeguarding the
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under
12 this subsection (d) shall be afforded an opportunity to
13 demonstrate to the Commission that he or she can resume
14 practice in compliance with acceptable and prevailing
15 standards under the provisions of his or her license.

16 Section 125. Violations; injunction; cease and desist
17 order.

18 (a) If any person violates the provisions of this Act, the
19 Director may, in the name of the People of the State of
20 Illinois, through the Attorney General, petition for an order
21 enjoining the violation or for an order enforcing compliance
22 with this Act. Upon the filing of a verified petition, the
23 court with appropriate jurisdiction may issue a temporary
24 restraining order without notice or bond, and may preliminarily
25 and permanently enjoin the violation. If it is established that
26 the person has violated or is violating the injunction, the
27 court may punish the offender for contempt of court.
28 Proceedings under this Section are in addition to all other
29 remedies and penalties provided by this Act.

30 (b) If any person holds himself or herself out as being a
31 licensed interpreter for the deaf under this Act and is not
32 licensed to do so, then any licensed interpreter for the deaf,
33 interested party, or any person injured thereby may petition
34 for relief as provided in subsection (a) of this Section.

35 (c) Whenever, in the opinion of the Commission, a person

1 violates any provision of this Act, the Commission may issue an
2 order to show cause why an order to cease and desist should not
3 be entered against that person. The order shall clearly set
4 forth the grounds relied upon by the Commission and shall allow
5 at least 7 days from the date of the order to file an answer
6 satisfactory to the Commission. Failure to answer to the
7 satisfaction of the Commission shall cause an order to cease
8 and desist to be issued.

9 Section 130. Investigations; notice and hearing. The
10 Commission may investigate the actions of any applicant or any
11 person holding or claiming to hold a license under this Act.
12 The Commission shall, before revoking, suspending, placing on
13 probation, reprimanding, or taking any other disciplinary
14 action under Section 120 of this Act, at least 30 days prior to
15 the date set for the hearing, (i) notify the accused, in
16 writing, of any charges made and the time and place for the
17 hearing, (ii) direct him or her to file a written answer to the
18 charges with the Commission under oath within 20 days after the
19 service on him or her of the notice, and (iii) inform the
20 accused that, if he or she fails to answer, default will be
21 taken against him or her or that his or her license may be
22 suspended, revoked, placed on probationary status, or other
23 disciplinary action taken with regard to the license, including
24 limiting the scope, nature, or extent of his or her practice,
25 as the Commission may deem proper. In case the person, after
26 receiving notice, fails to file an answer, his or her license
27 may, in the discretion of the Commission, be suspended,
28 revoked, placed on probationary status, or the Commission may
29 take whatever disciplinary action deemed proper, including
30 limiting the scope, nature, or extent of the person's practice
31 or the imposition of a fine, without a hearing, if the act or
32 acts charged constitute sufficient grounds for such action
33 under this Act. At the time and place fixed in the notice, the
34 Director shall proceed to hear the charges and the parties or
35 their counsel shall be accorded ample opportunity to represent

1 such statements, testimony, evidence, and argument as may be
2 pertinent to the charges or to their defense. The Director may
3 continue the hearing from time to time.

4 Section 135. Disposition by consent order. Disposition may
5 be made of any charge by consent order between the Commission
6 and the licensee. The Board shall be apprised of the consent
7 order at its next meeting.

8 Section 140. Record of proceedings; transcript. The
9 Commission, at its expense, shall preserve a record of all
10 proceedings at any formal hearing of any case. The notice of
11 hearing, complaint, and all other documents in the nature of
12 pleadings and written motions filed in the proceedings, the
13 transcript of testimony, the report of the Board, and the
14 orders of the Commission shall be the record of the
15 proceedings.

16 Section 145. Subpoenas; depositions; oaths. The Commission
17 shall have power to subpoena and bring before it any person and
18 to take testimony either orally or by deposition, or both, with
19 the same fees and mileage and in the same manner as prescribed
20 by law in judicial proceedings in civil cases in courts in this
21 State. The Director, the designated hearing officer, and any
22 member of the Board shall each have power to administer oaths
23 to witnesses at any hearings which the Commission is authorized
24 to conduct and any other oaths authorized in the Act.

25 Section 150. Compelling testimony. Any circuit court, upon
26 the application of the Commission, designated hearing officer,
27 applicant, or licensee against whom proceedings under Section
28 120 of the Act are pending, may enter an order requiring the
29 attendance of witnesses and their testimony and the production
30 of documents, papers, files, books, and records in connection
31 with any hearing or investigation. The court may compel
32 obedience to its order by proceedings for contempt.

1 Section 155. Findings and recommendations. At the
2 conclusion of the hearing, the Board shall present to the
3 Director a written report of its findings of fact, conclusions
4 of law, and recommendations. The report shall contain a finding
5 of whether the licensee violated this Act or failed to comply
6 with the conditions required in this Act. The Board shall
7 specify the nature of the violation or failure to comply, and
8 shall make its recommendations to the Director. The report of
9 findings of fact, conclusions of law, and recommendation of the
10 Board shall be the basis for the Commission's order for refusal
11 or for the granting of the license. If the Director disagrees
12 with the recommendations of the Board, the Director may issue
13 an order in contravention of the Board recommendations. The
14 Director shall provide a written report to the Board on any
15 disagreement and shall specify the reasons for the action in
16 the final order. The finding is not admissible in evidence
17 against the person in a criminal prosecution brought for the
18 violation of this Act, but the hearing and findings is not a
19 bar to a criminal prosecution brought for the violation of this
20 Act.

21 Section 160. Appointment of hearing officer. The Director
22 shall have the authority to appoint any attorney duly licensed
23 to practice law in the State of Illinois to serve as the
24 hearing officer in any action for discipline of a license. The
25 hearing officer shall have full authority to conduct the
26 hearing. The hearing officer shall report his or her findings
27 of fact, conclusions of law, and recommendations to the Board
28 and the Director. The Board shall have 60 days after receipt of
29 the report to review the report of the hearing officer and to
30 present its findings of fact, conclusions of law and
31 recommendations to the Director. If the Board fails to present
32 its report within the 60-day period, the Director may issue an
33 order based on the report of the hearing officer.

1 Section 165. Board; rehearing. At the conclusion of the
2 hearing, a copy of the Board's report shall be served upon the
3 applicant or licensee by the Commission, either personally or
4 as provided in this Act for the service of the notice of
5 hearing. Within 20 days after such service, the applicant or
6 licensee may present to the Commission a motion in writing for
7 a rehearing, which shall specify the particular grounds for
8 rehearing. If no motion for a rehearing is filed, then upon the
9 expiration of the time specified for filing such a motion, or
10 if a motion for rehearing is denied, then upon such denial, the
11 Director may enter an order in accordance with recommendations
12 of the Board, except as provided in Section 180 of this Act. If
13 the applicant or licensee requests and pays for a transcript of
14 the record within the time for filing a motion for rehearing,
15 the 20-day period within which a motion may be filed shall
16 commence upon the delivery of the transcript to the applicant
17 or licensee.

18 Section 170. Director; rehearing. Whenever the Director
19 believes justice has not been done in the revocation,
20 suspension, or refusal to issue or renew a license or the
21 discipline of a licensee, he or she may order a rehearing.

22 Section 175. Order or certified copy; prima facie proof. An
23 order of revocation, suspension, placing the license on
24 probationary status, or other formal disciplinary action as the
25 Commission may deem proper, or a certified copy thereof, over
26 the seal of the Commission and purporting to be signed by the
27 Director, is prima facie proof that:

28 (1) the signature is the genuine signature of the
29 Director;

30 (2) the Director is duly appointed and qualified; and

31 (3) the Board and the members thereof are qualified to
32 act.

33 Section 180. Restoration of suspended or revoked license.

1 At any time after the suspension or revocation of any license,
2 the Commission may restore it to the licensee upon the written
3 recommendation of the Board, unless after an investigation and
4 hearing the Board determines that restoration is not in the
5 public interest.

6 Section 185. Surrender of license. Upon the revocation or
7 suspension of a license, the licensee shall immediately
8 surrender his or her license to the Commission. If the licensee
9 fails to do so, the Commission has the right to seize the
10 license.

11 Section 190. Summary suspension of license. The Director
12 may summarily suspend the license of an interpreter for the
13 deaf without a hearing, simultaneously with the institution of
14 proceedings for a hearing provided for in Section 120 of this
15 Act, if the Director finds that evidence in the possession of
16 the Director indicates that the continuation of practice by the
17 interpreter for the deaf would constitute an imminent danger to
18 the public. In the event that the Director summarily suspends
19 the license of an individual without a hearing, a hearing must
20 be held within 30 days after the suspension has occurred.

21 Section 195. Administrative review; venue.

22 (a) All final administrative decisions of the Commission
23 are subject to judicial review pursuant to the Administrative
24 Review Law and its rules. The term "administrative decision" is
25 defined as in Section 3-101 of the Code of Civil Procedure.

26 (b) Proceedings for judicial review shall be commenced in
27 the circuit court of the county in which the party applying for
28 review resides, but if the party is not a resident of Illinois,
29 the venue shall be in Sangamon County.

30 Section 200. Certification of record; costs. The
31 Commission shall not be required to certify any record to the
32 court, to file an answer in court, or to otherwise appear in

1 any court in a judicial review proceeding, unless there is
2 filed in the court, with the complaint, a receipt from the
3 Commission acknowledging payment of the costs of furnishing and
4 certifying the record. Failure on the part of the plaintiff to
5 file the receipt in court is grounds for dismissal of the
6 action.

7 Section 205. Offenses and punishment. Unless otherwise
8 specified, any person found to have violated any provision of
9 this Act is guilty of a Class A misdemeanor.

10 Section 210. Administrative Procedure Act. The Illinois
11 Administrative Procedure Act is hereby expressly adopted and
12 incorporated in this Act as if all of the provisions of such
13 Act were included in this Act.

14 Section 215. Home rule. The regulation and licensing of the
15 practice of interpreting are exclusive powers and functions of
16 the State. A home rule unit may not regulate or license
17 interpreters for the deaf. This Section is a denial and
18 limitation of home rule powers and functions under subsection
19 (h) of Section 6 of Article VII of the Illinois Constitution.

20 Section 220. Savings provision.

21 (a) This Act is intended to replace the Interpreters for
22 the Deaf Act in all respects.

23 (b) Beginning on the effective date of this Act, the
24 rights, powers, and duties exercised by the Deaf and Hard of
25 Hearing Commission under the Interpreters for the Deaf Act
26 shall continue to be vested in, be the obligation of, and shall
27 be exercised by the Deaf and Hard of Hearing Commission under
28 the provisions of this Act

29 (c) This Act does not affect any act done, ratified, or
30 cancelled, or any right occurring or established, or any action
31 or proceeding had or commenced in an administrative, civil, or
32 criminal cause before the effective date of this Act, by the

1 Deaf and Hard of Hearing Commission under the Interpreters for
2 the Deaf Act, and those actions or proceedings may be
3 prosecuted and continued by the Deaf and Hard of Hearing
4 Commission under this Act.

5 (c) The rules adopted by the Deaf and Hard of Hearing
6 Commission relating to the Interpreters for the Deaf Act,
7 unless inconsistent with the provisions of this Act, are not
8 affected by this Act, and on the effective date of this Act,
9 those rules become the rules under this Act. The Deaf and Hard
10 of Hearing Commission shall, as soon as practicable, adopt new
11 or amended rules consistent with the provisions of this Act.

12 Section 900. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 905. The State Finance Act is amended by adding
15 Section 5.663 as follows:

16 (30 ILCS 105/5.663 new)

17 Sec. 5.663. The Interpreters for the Deaf Fund.

18 Section 910. The Code of Civil Procedure is amended by
19 changing Section 8-911 and by adding Section 8-912 as follows:

20 (735 ILCS 5/8-911) (from Ch. 110, par. 8-911)

21 Sec. 8-911. Language interpreter's ~~Interpreter's~~
22 privilege.

23 (a) A "language interpreter" ~~An "interpreter"~~ is a person
24 who aids a communication when at least one party to the
25 communication has a ~~hearing or speaking impairment or a~~
26 language difficulty.

27 (b) If a communication is otherwise privileged, that
28 underlying privilege is not waived because of the presence of
29 the language interpreter.

30 (c) The language interpreter shall not disclose the
31 communication without the express consent of the person who has

1 the right to claim the underlying privilege.

2 (Source: P.A. 87-409.)

3 (735 ILCS 5/8-912 new)

4 Sec. 8-912. Interpreter for the hearing impaired's
5 privilege.

6 (a) An "interpreter for the hearing impaired" is a person
7 who aids a communication when at least one party to the
8 communication has a hearing or speaking impairment.

9 (b) An interpreter for the hearing impaired who interprets
10 a conversation between a hearing person and a deaf person is
11 deemed a conduit for the conversation and may not disclose or
12 be compelled to disclose by subpoena the contents of the
13 conversation that he or she facilitated without the written
14 consent of all persons involved who received his or her
15 professional services.

16 (c) All communications that are recognized by law as
17 privileged shall remain privileged even in cases where an
18 interpreter for the hearing impaired is utilized to facilitate
19 such communications.

20 (d) Communications may be voluntarily disclosed under the
21 following circumstances:

22 (1) the formal reporting, conferring, or consulting
23 with administrative superiors, colleagues, or consultants
24 who share similar professional responsibility, in which
25 instance all recipients of such information are similarly
26 bound to regard the communication as privileged;

27 (2) a person waives the privilege by bringing any
28 public charges against a interpreter for the hearing
29 impaired, including a person licensed under the
30 Interpreter for the Deaf Licensure Act of 2006; and

31 (3) a communication reveals the intended commission of
32 a crime or harmful act and such disclosure is judged
33 necessary by the interpreter for the hearing impaired to
34 protect any person from a clear, imminent risk of serious
35 mental or physical harm or injury or to forestall a serious

1 threat to public safety.

2 (e) Nothing in this Section shall be construed to prohibit
3 a person licensed under the Interpreter for the Deaf Licensure
4 Act of 2006 from voluntarily testifying in court hearings
5 concerning matters of adoption, child abuse, child neglect, or
6 other matters pertaining to children, except as provided under
7 the Abused and Neglected Child Reporting Act.

8 (225 ILCS 442/Act rep.)

9 Section 915. The Interpreters for the Deaf Act is repealed.